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Signed and Filed: January 20, 2009

Dennis Montali

DENNIS MONTALI

Attorneys for Defendant, LAWRENCE CHAZEN, an individual
and as Trustee of the LAWRENCE J. CHAZEN REVOCABLE TRUST

U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re:
JOHN A. and DANIELLE T. RYAN,
Debtors.

Case No. 05-32933-DM

Chapter 11

Adversary Proceeding No. 05-03428

NICKLOS CIOLINO, et al.,
Plaintiffs,
v.

ORDER DENYING MOTION FOR
SUMMARY JUDGMENT AND
GRANTING SUMMARY
ADJUDICATION AS TO SPECIFIC
FACTS

JOHN A. RYAN, et al.,
Defendants.

E. LYNN SCHOENMANN,
Plaintiff-in-Intervention,
v.
LAWRENCE CHAZEN, et al.,
Defendants.

Lawrence J. Chazen's Motion for Summary Judgment on Complaint in Intervention (the "Motion") came on regularly for hearing on December 19, 2008, before the Honorable Dennis Montali, United States Bankruptcy Judge. Lawrence J. Chazen appeared by Iain A. Macdonald and Reno F.R. Fernandez III of Macdonald & Associates; the Trustee E. Lynn Schoenmann appeared by

1 Thomas F. Koegel of Folger Levin & Kahn LLP. The Court, having reviewed the pleadings and
2 declarations filed in support and opposition of the Motion, having heard the representations and
3 arguments of counsel,

4 NOW, THEREFORE, IT IS ORDERED that:

- 5 1. For the reasons stated on the record, the Motion is denied;
- 6 2. Summary adjudication be, and hereby is, entered as follows:
 - 7 a. The value of the debtor John Ryan's home was no greater than \$1,600,000 as of
8 the date the deed of trust was executed;
 - 9 b. On December 17, 2001, Lawrence J. Chazen loaned \$35,000 to the debtor John
10 Ryan; and
 - 11 c. In May, 2002, John Ryan guaranteed a loan from Lawrence J. Chazen to Jean
12 Ryan in the amount of \$125,000.

13 APPROVED AS TO FORM:

14 FOLGER LEVIN & KAHN LLP

15 By: /s/ Thomas F. Koegel
16 Thomas F. Koegel
17 Attorneys for Trustee
E. Lynn Schoenmann

18 ***** End of Order *****

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